

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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THEODORE VAN LEER, an individual;
CAROLINE VAN LEER, an individual;
ANNE M. BLANKEN, an individual; and
ANNE M. BLANKEN, as Trustee of the
CREDIT SHELTER SHARE TRUST,
Plaintiffs,

Docket No.: 2:15-CV-01878-MCA-JBC

v.

INVICTUS ASSET MANAGEMENT LLC, INVICTUS
CAPITAL GROWTH AND INCOME FUND LLP,
INVICTUS HOLDINGS, LLP, TRADEDESK CAPITAL
LLC, TRADEDESK FINANCIAL GROUP, INC.,
TRADESTREAM ANALYTICS, LTD., INVICTUS
INCOME FUND, LLP, DAVID W. SCHAMENS,
PHILLIPS WIEGAND, JR., PILIANA SCHAMENS,
and INVICTUS REAL ESTATE INVESTMENT, LLP,
Defendants.

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WAIVER OF SERVICE OF SUMMONS

To:	Michael L. Braunstein, Esq. THE BRAUNSTEIN LAW FIRM, PLLC 3 Eberling Drive New City, New York 10956 E-mail: MBraunstein@braunsteinfirm.com	Adolfo J. Anzola, Esq. SILVER LAW GROUP 11780 W. Sample Road Coral Springs, Florida 33065 E-mail: AAnzola@silverlaw.com
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I, **PHILLIPS WIEGAND, JR.**, acknowledge receipt of your request that I waive service of summons in the above-captioned action.

I have also received a copy of the Complaint in the action, a copy of this instrument, and have a means by which I can return the signed waiver to you without cost to me (*i.e.*, electronic mail).

I agree to save the cost of service of a summons and an additional copy of the Complaint in this lawsuit by not requiring that I (or the party on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the party on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within **THIRTY (30) days** after April 10, 2015.

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

I declare under penalty of perjury that I received a copy of the summons and of the Complaint in this case on the 10th day of April 2015 via electronic mail.

PHILLIPS WIEGAND, JR.

BY: 

(Signature)

17433 Springwinds Dr.

(Current Address)

Cornelius NC 28031

(Current Address)

(Current Address)

Date of Signature: April 10, 2015

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.